

REMARKS/ARGUMENTS

Claim 1 has been amended to focus on the inexperienced consumers who are the ultimate target audience for the present invention. Basis is found in the specification at page 112, line 30 – page 113, entire, as well as in Claims 54 and 55 (now cancelled as redundant, in view of the amendments to Claim 1). Various other claims have been amended to comport with Claim 1 with regard to said consumers. It is submitted that the amendments are fully supported and entry is requested.

Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding.

Summary

Without intending to limit the claims, it is again noted that the present invention is based on the identification/solution of a meaningful and frustrating problem. Applicants have developed a useful and efficacious product. However, it turns out that habits and practices, especially among the “non-expert” laundry product user, are hard to change. Thus, actual product trial, leading to a change in habits, lags. The present invention presents a business method to address this problem.

C-I-P Status

The specification has been amended pursuant to the provisions of MPEP 201.08 to claim continuation-in-part status from U.S. Application No. 09/634,379 filed August 9, 2000, now U.S. 6,491,840 B1, dated December 10, 2002. It is submitted that this is appropriate, inasmuch as:

- A) There is at least one common inventor, i.e., Gayle Marie Frankenbach in the two cases:
- B) The present application carries a filing date of February 13, 2001, claims priority to U.S. Provisional Application No. 60/230,859, filed September 7, 2000, and was thus co-pending with U.S. Application Serial No. 09/634,379; and

C) The present specification has now been amended to claim C-I-P status. Moreover, the present application repeats some substantial portion of the 09/634,379 application and adds matter not disclosed in said application, as follows:

- a. The disclosure of the wrinkle removing compositions;
- b. The disclosure of certain wrinkle removing process steps;
- c. The disclosure of various adjunct ingredients for use in the compositions and process.
- d. The present invention differs significantly in the recitation of the problems associated with developing consumer acceptance and use of the disclosed composition and process and means for overcoming said problems.

In short, it is submitted that the present case meets all requirements for C-I-P status from the U.S. Application 09/634,379, now U.S. 6,491,840 B1, dated December 10, 2002.

Rejections Under 35 USC102/103

All claims stand rejected under §102 or §103 over US 6,491,840, for reasons of record at pages 5-7 of the Office Action.

Applicants respectfully traverse all rejections, to the extent they may apply to the claims as now amended.

At the outset, Applicants acknowledge the Examiner's thorough exposition of the grounds for rejection. This extra effort by the Examiner allows the following arguments to be relatively brief.

- I. In view of the C-I-P status of the present application from '840, it is submitted that '840 is not a proper reference against the present application. Withdrawal of all rejections under §102 or §103 is therefore requested.

II. In the event the Examiner were to maintain that the present application does not meet the requirements for C-I-P status, the following points in support of patentability must be fairly considered.

- i.) With regard to the §102 rejections, it is noted that various elements of the claims as now amended are not disclosed in the '840 document, e.g., the inexperienced prospective consumer, the directions designed to convince said consumers of the composition's performance to encourage usage, etc. Accordingly, under the settled case law, since all elements of the claims are not found in '840, the rejections under §102 cannot stand.
- ii.) With regard to the §103 rejections previous remarks regarding discovery of a problem and its solution as buttressing patentability continue to apply. It is noted that the Examiner did not rebut this legal issue in the most recent Office Action.

Moreover, nothing in '840 suggest "targeting" specific inexperienced prospective consumer groups, e.g., in Claims 23 and 74. Nothing in '840 suggests co-marketing, per Claim 75, in order to encourage trial of the composition by non-experienced users. Thus, in particular regard to these claims, it is submitted that the rejections do not meet the requirements of §103. Nothing in '840 suggests/identifies these problematic consumers, nor the need to target same in order to promote product usage. In light of the foregoing, reconsideration and withdrawal of the rejections under §103 are requested.

Early and favorable action in the case is requested.

Respectfully submitted,

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